

## **APPENDIX V**

### **HARBOR SAFETY COMMITTEE OF THE HUMBOLDT BAY AREA BY-LAWS**

As Amended 16 July 2009

#### **Article I: Name**

**Section 1. The Harbor Safety Committee of the Humboldt Bay Area (hereinafter referred to as the Committee).**

#### **Article II: Purpose**

**Section 1. The Committee is established pursuant to Section 8670.23 of the Government Code and Title 14, California Code of Regulations, Sections 800-802, and is responsible for planning for the safe navigation and operation of tank ships, tank barges, and other vessels within the harbor, and making recommendations to the Administrator of the Office of Spill Prevention and Response (OSPR), hereinafter referred to as the Administrator.**

#### **Article III: Membership**

##### **Section 1. Membership Categories**

- a. Members shall be selected from local representatives of organizations or companies in the Humboldt Bay Area region whenever possible.
- b. The Committee shall consist of members appointed by the Administrator as follows:
  1. One designee representing the port authority within the harbor;
  2. One representative of tank ship operators;
  3. One representative of the pilot organization within the harbor;
  4. One representative of dry cargo vessel operators;
  5. One representative of commercial fishing;
  6. One representative of pleasure boat operators;
  7. One representative of a recognized Tribal/nonprofit environmental organization that has as a purpose the protection of marine resources;
  8. One representative of the California Coastal Commission;
  9. One representative from a recognized labor organization involved with operations of vessels;
  10. One representative of tug or tank barge operators, neither of whom shall also be engaged in the business of operating either tank ships or dry cargo vessels;
  11. One representative from Local Law Enforcement;
  12. One representative from Coast Guard Group Humboldt Bay;

13. One representative from each of the following: Captain of the Port from the U.S. Coast Guard; U.S. Army Corps of Engineers; and the U.S. Navy, to the extent that each consents to participate on the committee.

c. Appointees filling membership categories identified in items b1 through b11, above, are specified as appointed members.

## **Section 2. Membership Qualifications**

The members appointed from the categories listed in Section 1b (1), (2), (3), (4), (8), and (9) shall have navigational expertise. An individual is considered to have navigational expertise if the individual meets any of the following conditions:

- a. Has held or is presently holding a Coast Guard Merchant Marine Deck Officer's license;
- b. Has held or is presently holding a position on a commercial vessel that includes navigational responsibility;
- c. Has held or is presently holding a shore side position with direct operational control of vessels;
- d. Has held or is currently holding a position having responsibilities for permitting or approving the docking of vessels in and around harbor facilities.

## **Section 3. At-Large Members**

This Section was removed in 2008 to be consistent with current OSPR regulations.

## **Section 4. Term of Membership for Appointed Members and their Alternates**

- a. A member shall be appointed for a three-year term.
- b. A member's appointment shall be terminated as a result of any of the following circumstances:
  1. The member retires from, or otherwise leaves employment under which he/she was appointed. Members who leave their employer may, if qualified under their new employment, apply for the seat they vacated or, if qualified, apply for another Committee seat that becomes vacant.
  2. The member undergoes a change in work responsibilities which alters the constituency which he/she represents, or alters their qualifications for the position.
  3. The member voluntarily resigns for any reason.
  4. A member is removed by the Administrator for any reason under Section 7 below.
- c. A member impacted by any of the conditions identified in items 1-4 above is expected to submit their resignation to the Chair (with a copy to the Administrator) within five working days.

- d. Any incumbent completing his/her three-year term may re-apply.
- e. Except as noted in Section 5c, below, an alternate's term expires when the primary member leaves service for any reason.

## **Section 5. Alternates for Appointed Members**

- a. The alternate representative shall be appointed by the Chair. Only one alternate shall be appointed for each primary member, and only the appointed alternate is accorded proxy powers. The alternate shall be selected from the same membership category as the primary member, and shall meet the same qualifications. The appointed alternate may vote, participate in, or take any other action on behalf of the primary member consistent with the Committee's bylaws and any applicable statutory or regulatory provisions.
  - b. An alternate may vote only in the absence of the primary member.
  - c. When a primary members resigns or is removed an alternate may serve until such time as a new primary member is appointed.
  - d. The Chair shall be guided by the following for appointing alternates:
    - 1. When possible, the primary member should be allowed to recommend their alternate;
    - 2. If there is more than one applicant for a position, the primary member and the Chair should consider the other applicants when selecting alternates. The Chair shall consider diversity of organizations within each membership category when selecting alternates.

## **Section 6. Attendance of Appointed Members**

- a. Attendance of scheduled Committee meetings is expected. The standard of attendance is determined as follows:
  - 1. For each appointed membership category team consisting of a primary member and alternate, missing three consecutive meetings is considered to be not meeting the standard of attendance.
  - 2. For a primary member with no alternate, missing four consecutive meetings is considered to be not meeting the standard of attendance.
- b. The Committee Chair shall review the meeting attendance records on a regular basis and shall inquire about members and teams with excessive absences.
- c. The Chair may make an exception to the attendance standards for a member experiencing extenuating circumstances.

## **Section 7. Member Removal**

- a. Circumstances may arise which require that a Committee member voluntarily resign or be removed from their position. Such events include:

1. Failing to meet attendance standards, as set in Section 6;
2. Falsifying application materials;
3. The member's term ending prematurely due to meeting one of the conditions described in Article III, Section 4, items b1 and b2.

b. A member who demonstrates any of the three criteria listed above is expected to voluntarily tender his written resignation to the Chair (with a copy to the Administrator) within five working days of being informed of this condition. If the expected resignation is not forthcoming, the Chair shall privately contact the member, explain which bylaw(s) has been violated, and seek the member's resignation. If the request is not honored within ten working days, the Chair shall write to the member (with a copy to the Administrator), explaining which bylaw(s) has been violated and, again, request a resignation. If the resignation is not offered within 15 working days, the Chair shall notify the Administrator in writing (with a copy to the member) of the situation, identify which bylaw(s) has been violated, and seek the Administrator's assistance in removing the recalcitrant member.

c. The Chair shall announce at the next full meetings the resignation or removal of any member.

#### **Article IV: Officers**

**Section 1.** The Administrator shall appoint a Chairperson for the Committee from the membership specified in Article III.

**Section 2.** The Chair shall appoint a Vice-chairperson for the Committee from the membership specified in Article III, from a membership category other than that of the Chairperson.

**Section 3.** An Executive Secretary (Secretariat) shall be contracted by the Administrator. The Secretariat shall serve as the Administrative staff to the Committee.

#### **Article V: Subcommittees and Work Groups**

**Section 1.** The Committee may establish Subcommittees and Work Groups, as it deems necessary. Meetings shall be duly noticed and open to the public in accordance with Article VII to receive maximum participation.

**Section 2.** The Chair of the Harbor Safety Committee shall appoint the chairperson of Subcommittees and Work Groups. The Chair may appoint Subcommittee members.

**Section 3.** Subcommittees should be composed of an uneven number of voting Committee members with no fewer than three people on a subcommittee. Vote by the majority of the subcommittee members present shall be necessary to pass a

recommendation of the subcommittee. If a majority of Committee members are voting at a subcommittee meeting, that meeting should be noticed as a meeting of the full Harbor Safety Committee.

**Section 4.** Work Groups may be composed of any number of participants. Work Groups should operate by consensus of those present, including interested members of the public.

**Section 5.** Subcommittees and Work Groups may make recommendations to the full Committee, which will vote on the recommendations as detailed in Article VIII. Recommendations should be made in writing and provided to the Committee prior to any vote on the matter.

#### **Article VI: Recommendations from Committee**

**Section 1.** The Committee shall make recommendations or requests of the Administrator on rules, regulations, guidelines and policies on Harbor Safety. The Committee shall make recommendations or requests to other federal, state or local agencies.

**Section 2.** The Committee shall prepare and submit a Harbor Safety Plan and annual updates to the Administrator by June 30 of each year or as directed otherwise by the Administrator.

#### **Article VII: Meetings**

**Section 1.** Governing rules for meetings shall be the Ralph M. Brown Act (Open Meetings for Local Legislative Bodies), the Humboldt Bay Area HSC bylaws, and Robert's Rules of Order.

**Section 2.** Each Committee member and alternate shall be provided a copy of the Humboldt Bay Area HSC bylaws and the Harbor Safety Plan. Upon request, Committee members and alternates, as well as interested parties, shall be provided a copy of the Brown Act.

**Section 3.** The Committee normally meets bi-monthly at the Humboldt Bay Harbor District office.

#### **Section 4. Quorum**

In order for a meeting to take place, a quorum of members or their alternates consisting of six (6) membership categories, shall be present. Should a quorum not be present, the Committee can proceed as a committee of the whole, take public testimony, receive input on any agenda item duly noticed, but cannot take action on any item.

#### **Section 5. Agenda for Meetings:**

a. An agenda drafted by the Secretariat in consultation with the Committee Chair shall be prepared for each meeting of the Committee. The agenda shall be distributed no fewer than seven (7) days prior to the scheduled meeting and shall comply with all provisions of the Brown Act.

b. In accordance with the Brown Act, agendas for full Committee meetings shall be posted 72 hours in advance at the Secretariat's office. Posting shall be visible from the outside of the building.

c. Agendas shall include a brief general description of each item to be discussed, including whether voting action is anticipated to be taken on an item.

d. Each agenda item that requires Committee action shall include time for public comment.

e. The Committee may take action on an item not appearing on the agenda by determining that an immediate need exists and it came to the attention of the Committee after the agenda was distributed. This determination must be approved by a two-thirds (2/3 rd) vote of all appointed Committee members, if fewer than two-thirds (2/3rd) of all appointed members are in attendance, by a unanimous vote of those appointed members present.

f. A Committee member or member of the public can discuss an item not on the agenda under New Business/Public Comments. However, no action by the Committee can be taken until such time as the item is duly noticed at a regular or special meeting, and time has been allotted to receive public input prior to Committee action.

## **Article VII: Voting**

### **Section 1. Voting**

a. The Humboldt Bay Area Harbor Safety Plan annual review shall be approved by two-thirds (2/3rd) of the appointed Committee members or their alternates.

b. With the exception of items specified in Section 1a of this Article, Article VII, Section 6 and Article IX, passage of any item subject to a vote by committee members shall require a simple majority of appointed members, or their alternates present at a meeting. No action shall be taken on any item which is not on the agenda provided pursuant to Article VII, Section 6, except as allowed by Article VII, Section 6e.

c. Due to the advisory nature of the Committee and its selected representatives, members shall not be excused from voting in case of potential conflict of interest.

## **Article IX: Bylaws Review, Acceptance and Amendments**

### **Section 1. Enactment of Bylaws**

To enact bylaws, the proposed bylaws must be:

a. Included as an agenda item at a regular meeting

b. Noticed to the public in accordance with Article VII, Section 6, of these bylaws.

d. Be approved by a two-thirds (2/3rd) of the appointed Committee members or their alternates.

## **Section 2. Bylaws Status**

The bylaws shall become effective after Committee approval and shall continue in force until amended or repealed.

## **Article X: Certification**

I certify that these bylaws were approved by the Harbor Safety Committee of the Humboldt Bay Area on 16 July 2009, at Eureka, California, by a vote of \_\_6\_\_ yea to \_\_0\_\_ nay. This document is true and correct, and constitutes the official bylaws governing the Committee. These bylaws shall remain in force until amended or repealed in accordance with Article IX.

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David Hull, Chair  
Date: July 16, 2009